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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,446	05/02/2001	Clayton J. Allen	6327-1018	7738

7590 06/16/2004

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EXAMINER
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GLESSNER, BRIAN E

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/847,446

Applicant(s)

ALLEN ET AL.

Examiner

Brian E. Glessner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-44 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6-31 and 34-44 is/are allowed.
- 6) ☒ Claim(s) 32 and 33 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 31 is objected to because of the following informalities: Claim 31, line 2, the phrase the slot does not have antecedent basis. Claim 1 referred to the slot as a separation. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

1. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bernardi (3,716,959) in view of Houghton (5,660,017).

In regard to claim 32, Bernardi discloses a steel framework structure comprising a column 12 having a pair of parallel flanges connected along their lengthwise centerlines by a web disposed perpendicular to said flanges, a beam 10 having a pair of flanges and a web, said beam having an end joined to an outer flange surface of said column to form a connection, means 28 for uniformly distributing stress and strain across the end of said beam near said connection, and wherein said stress strain distributing means will increase the mean time between failures of said connection. Bernardi does not specifically disclose that said beam web comprises a weld access hole. Houghton teaches that it is well known in the art to provide weld access holes 52 in the webs of beams. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a weld access hole into Bernardi's invention, because the weld access hold will facilitate the welding of the plate to Bernardi's beam.

2. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hilpert et al. (1,883,376) in view of Houghton (5,660,017) and Koelkebeck (1,693,987).

In regard to claim 33, Hilpert discloses a steel framework comprising a steel column 81 having a first flange, a second flange, and a web therebetween, a steel beam 80 having a first flange, a second flange, and a web therebetween, and the beam flanges being welded orthogonal to the first flange of the column. Hilpert does not specifically disclose that said beam web has at least one weld access hole and a slot penetrating through the beam and being circumferentially bounded by the beam web. Houghton teaches that the use of weld access holes is well known, and Koelkebeck teaches that the use of web slots is known.

In regard to the weld access hole, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a weld access hole into Hilpert's invention, because the weld access hold will facilitate the welding of the beam to the column.

In regard to the slot, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a slot into Hilpert's invention, because the slot will reduce the weight of the beam and will also reduce the price due to the use of less metal in the formation of the beam.

***Allowable Subject Matter***

3. Claims 1-4, 6-31, and 34-44 are allowed.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Glessner whose telephone number is 703-305-0031. The examiner can normally be reached on Monday-Friday 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



B.G.  
June 9, 2004

**BRIAN E. GLESSNER**  
**PRIMARY EXAMINER**